

## PRETRIAL CONFINEMENT CHECKLIST

### **INITIAL REVIEW OFFICER HEARINGS (IRO) ARE ALWAYS CONDUCTED ON TUESDAYS AND THURSDAYS**

- ❑ A person subject to the UCMJ has committed an offense triable by court-martial.
- ❑ It is foreseeable the accused will flee (**flight risk**) or engage in serious criminal misconduct before trial. Serious criminal misconduct includes obstructions of justice such as intimidation of witnesses, threats to the safety of the community or command, and threats to the effectiveness, morale, discipline or readiness of the command.

**Review the following references (a) through (d) concerning pretrial confinement:**

- ❑ (a) Manual for Courts-Martial (2002), RCM 304-305
  - ❑ (b) SECNAVINST 1640.9B
  - ❑ (c) BUPERSINST 1640.18D
  - ❑ (d) OPNAVINST 1640.6
- ❑ Informal telephone call to Trial Service Legal Office, Joint Law Center, and the confinement facility. Determine what uniforms, personal hygiene items and records must accompany the accused. **Detainees Service Records (SRB) will not be accepted**, they will only be accepted on **ALL** adjudged prisoners.
- ❑ Complete confinement order (**DD Form 2707 - Please use SEP 2005, Latest Version**). **Note:** a confinement physical examination within previous 24 hours of confinement is required as part of the confinement order. The examination may be completed at Balboa Naval Hospital emergency room en route to the confinement facility.
- ❑ Arrange transportation for the accused and any required escort to the confinement facility. **Ensure a command representative conducts weekly visits with the accused.** The commanding officer may choose to complete the confinement order and immediately send the accused to the confinement facility, or may choose to wait until completing the required memorandum in support of the confinement. In some cases it may even be desirable to conduct the IRO's hearing prior to transporting the accused to the confinement facility.
- ❑ Complete the commanding officer's memorandum concerning pretrial confinement within 48 hours of confinement or notification of

confinement. Contact the District Legal Office for a sample memorandum or the brig. Ensure copies are sent to Trial Service Office, Joint Law Center, and the appropriate NLSO and the confinement facility.

- ❑ The confinement facility will contact the appropriate NLSO or JLC to arrange counsel for the accused as required.
- ❑ Pretrial Confinement Administrator will request the services of a pre-designated IRO.
- ❑ The brig will conduct IRO's hearing in accordance with references (a) through (d).
- ❑ Pretrial Confinement Administrator will complete the IRO's memorandum of decision.
- ❑ **The Parole and Release Department receives many phone calls regarding temporary release of detainees. Departmental policy requires either a fax or email from the command requesting the release. Verbal requests will not be accepted. Written requests should be submitted NLT one day prior to release. Written requests submitted in advance help maintain prisoner/staff accountability, allow the staff to make adequate preparations, and prevent needless trips by command escorts. If you receive a phone call requesting a detainee/prisoner for court, medical, uniform, etc., have that command request the release via email or fax and ensure the appointment is logged into Correctional Management Information System (CORMIS). Thank you for your support.**

**Pre-Trial Confinement Administrator** - [patrick.lordi@navy.mil](mailto:patrick.lordi@navy.mil)  
(858) 577-7143 - Fax  
(858) 577-7065 - Commercial

**Receiving and Release**  
(858) 577-7149 - Fax  
(858) 577-7011 - Commercial

**USMC Liaison**  
(858) 577-7010 - Fax  
(858) 577-7012 - Commercial

**Brig Legal**  
(858) 577-7143 - Fax  
(858) 577-7009 - Commercial

**Command Duty Officer**  
(after 2200 week days, weekends, and holidays)

(858) 577-7777 - Commercial

DSN: 267-XXXX

**EXAMPLE OF TEMPORARY RELEASE LETTER**

**MUST BE ON COMMAND LETTERHEAD**

**A faxed copy or e-mail will be accepted in advance to start the temp release process.**

**Date:**

From: Commanding Officer, USS NEVERSAIL (DDG 163)  
To: Commanding Officer, Naval Consolidated Brig Miramar  
Subj: TEMPORARY RELEASE FROM PRETRIAL CONFINEMENT ICO  
SN JOHN DOE, USN 123-45-6789

1. Request temporary release for subject named service member from confinement on **(date)\_for (medical appointment, court-martial, legal appointment, etc.)** located at **(Bldg name and location/military base)**. The required uniform will be **(Dress Blues/Charlie's)**. Member will be returned to NAVCONBRIG Miramar on or about **(time and date)**.

2. Point of contact in this matter is, who can be reached at **Commercial/DSN**, and/or via email at [yournamehere@navyusmc.mil](mailto:yournamehere@navyusmc.mil).

I. M. READY  
By direction

**EXAMPLE OF 48 HOUR/INITIAL REVIEW OFFICER LETTER  
MUST BE ON COMMAND LETTER HEAD**

1640  
Ser 00/

From: Commanding Officer, USS NEVERSAIL (DD-700)  
To: Initial Review Officer, Navy Region Southwest  
Subj: PRETRIAL CONFINEMENT ICO SN **XXXX X. XXXXX**, USN,  
**XXX-XX-XXXX**  
Ref: (a) R.C.M. 305, MCM  
(b) SECNAVINST 1640.10

1. In accordance with references (a) and (b), the following information is provided for the purpose of conducting a hearing into the pretrial confinement of SN, **XXXX X. XXXXX** USN, **XXX-XX-XXXX**

a. Hour, date, and place of confinement:

1700, 4 Oct 2003, Naval Consolidated Brig Miramar, San Diego, CA

b. Offenses charged:

Charge I: Violation of the UCMJ, Article 86:

Specification: Unauthorized absence from USS NEVERSAIL (DD-700), located at San Diego, California from 16 June 2003 until apprehended on 4 Oct 2003.

Charge II: Violation of the UCMJ, Article 112a

Specification: Wrongful use of Amphetamine, Methamphetamine and Marijuana on or about 21 May 2003.

c. General circumstances:

1. Seaman **XXXXXXXX** commenced his absence while pending Summary Court-Martial for wrongful use of controlled substances. Upon his apprehension Seaman **XXXXXXXX** was placed in pretrial confinement.

2. Previous disciplinary action:

a. None.

3. Extenuating and mitigating circumstances:

a. None.

4. Seaman **XXXXXXX** is a flight risk as shown by his deserter status. I request that he be retained in confinement until such time as he may be brought to trial before a Special Court-Martial. His UA was terminated by civilian apprehension pursuant to a warrant for being a deserter. Lesser forms of restraint were considered but are considered not sufficient. If released Seaman **XXXXXXX** will not be present for trial and eventual discharge. USS NEVERSAIL (DD-700) is currently underway and will be unable to send a command representative to the hearing.

X. X. XXXXXX

Copy to:  
Trial Service Office SW